

LC02439

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO SEPARATION OF POWERS

Introduced By: Representatives E Coderre, Ginaitt, Kilmartin, Crowley, and Lima

Date Introduced: February 17, 2005

Referred To: House Separation of Powers

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-52.1 of the General Laws entitled "Central Falls - Fiscal
2 Emergency Act" is hereby repealed in its entirety.

~~CHAPTER 45-52.1~~

~~Central Falls - Fiscal Emergency Act~~

3
4
5 ~~**45-52.1-1. Declaration of policy.** --- The general assembly determines that the public~~
6 ~~health and welfare of the citizens of Central Falls and of this state would be adversely affected by~~
7 ~~the insolvency of the local government of Central Falls. The general assembly further determines~~
8 ~~that it is necessary to protect the credit of the state and its political subdivisions, and that it is a~~
9 ~~valid public purpose for the state to take action to assist a unit of local government in a financial~~
10 ~~emergency and to remedy this emergency by requiring prudent fiscal management. The general~~
11 ~~assembly therefore determines that the authority and powers conferred by this chapter constitute a~~
12 ~~necessary program and serve a valid public purpose.~~

13 ~~**45-52.1-2. Declaration of financial emergency in Central Falls.** --- The general~~
14 ~~assembly declares that a financial emergency continues to exist in the city of Central Falls~~
15 ~~because the following conditions have occurred:~~

- 16 ~~(1) The tax base has sustained little or no growth over the past several years;~~
17 ~~(2) There are no significant developable parcels of property;~~
18 ~~(3) The effective property tax rate in Central Falls ranks highest in the state, while its~~
19 ~~residents have the lowest per capita income;~~

1 ~~-(4) School costs have increased dramatically due to demand for special education and~~
2 ~~English as a second language services for the city's students while city appropriations to schools~~
3 ~~have decreased substantially;~~

4 ~~-(5) The "Report of the Fact Finding Panel, January 4, 1991" recommended that "as the~~
5 ~~Central Falls School Department cannot meet its contractual, legal and regulatory obligations~~
6 ~~without increased funding, \$1,500,000 to \$2,000,000 must be added to its operating budget for~~
7 ~~1990-1991";~~

8 ~~-(6) Basic education program monitoring by the department of education has found the~~
9 ~~city to be in violation of state statutes and regulations. Amelioration of these thirty-two (32)~~
10 ~~deficiencies will cost an additional estimated \$1.2 million dollars; and~~

11 ~~-(7) Cumulative deficits for 1989 (excluding unfunded liabilities for pensions) equaled~~
12 ~~\$1.874 million, and the anticipated cumulative deficit for 1991 is estimated to be \$2.7 million.~~

13 ~~**45-52.1-3. Central Falls review commission.** -- (a) The Central Falls review~~
14 ~~commission established by article 67 of chapter 65 of the 1990 public laws is reconstituted to be~~
15 ~~comprised of seven (7) members as follows:~~

- 16 ~~-(1) The director of administration or his or her designee;~~
- 17 ~~-(2) The speaker of the house or his or her designee;~~
- 18 ~~-(3) The president of the senate or his or her designee;~~
- 19 ~~-(4) The mayor of the city of Central Falls or his or her designee;~~
- 20 ~~-(5) One member engaged in business, banking, or finance in Central Falls, who shall be~~
21 ~~chosen by the governor;~~

22 ~~-(6) The president of the Rhode Island public expenditure council or his or her designee;~~
23 ~~and~~

24 ~~-(7) The president of the Central Falls city council, or another council member appointed~~
25 ~~by the council president.~~

26 ~~-(b) The chairperson of the commission is the director of administration or his or her~~
27 ~~designee.~~

28 ~~-(c) Appointing authorities shall make their appointments within thirty (30) days of July~~
29 ~~1, 1991, and the commission shall commence proceedings within forty (40) days of July 1, 1991.~~

30 ~~-(d) All departments, employees, agencies, and elected and appointed officials of the city~~
31 ~~of Central Falls are required to cooperate with the commission. The commission has access to all~~
32 ~~records and books of account of the city and may require the attendance of city officials and the~~
33 ~~production of records, papers, contracts, and other documents relating to any matter within its~~
34 ~~authority.~~

1 **45-52.1 4. Powers and duties.** -- ~~The Central Falls review commission has the following~~
2 ~~powers and duties:~~

3 ~~-(1) To analyze all factors contributing to the city's financial condition and advise the~~
4 ~~mayor and the city council on this condition;~~

5 ~~-(2) To assist the city to implement the recommendations of the Central Falls review~~
6 ~~commission as presented to the governor, the general assembly, and the mayor in the~~
7 ~~commission's report dated January 4, 1991;~~

8 ~~-(3) To approve, modify, or disapprove any expenditure of funds that is available for~~
9 ~~other purposes as a result of the operation and full financing of public education in the city by the~~
10 ~~state. This amount shall be determined for each fiscal year, and shall be the difference between~~
11 ~~the total operating budget for education for each year, and the amount of school operating aid of~~
12 ~~all types that the city would have received absent state operation and financing. The review~~
13 ~~commission shall be given written notice of any proposed expenditure of those funds. If the~~
14 ~~review commission has not acted upon a written notice of proposed expenditure within thirty (30)~~
15 ~~days of its receipt, the proposal is deemed to be approved;~~

16 ~~-(4) To review and advise on the annual operating and capital budgets, and on any single~~
17 ~~expenditure of five thousand dollars (\$5,000) or more, any collective bargaining agreement or~~
18 ~~other contract, or the employment of any person or engagement of any consultant. The review~~
19 ~~commission shall be given written notice of any proposed expenditure or action of these types,~~
20 ~~and has fifteen (15) days to review the proposal and comment on it prior to an expenditure being~~
21 ~~made or funds being encumbered or committed. This provision does not apply to expenditures~~
22 ~~made necessary by emergencies that directly threaten public health or safety and authorized~~
23 ~~pursuant to section 2-302(a) of the Central Falls City Charter. Emergency expenditures,~~
24 ~~encumbrances, or commitments shall be reported to the commission in writing, however, together~~
25 ~~with information documenting the emergency within five (5) days after the occurrence of the~~
26 ~~emergency;~~

27 ~~-(5) To approve, modify, or disapprove any action that would incur short or long term~~
28 ~~debt through the issuance of bonds or notes, or by any other means. The review commission shall~~
29 ~~be given written notice of any proposed borrowing. If the review commission has not acted upon~~
30 ~~a written notice of proposed borrowing within sixty (60) days of its receipt, the proposal is~~
31 ~~deemed to be approved;~~

32 ~~-(6) To adopt, after consultation with the city council and the mayor, a plan for~~
33 ~~elimination of cumulative debt, as required by section 45-12-22, or to approve a plan prepared by~~
34 ~~the city. A plan adopted or approved under this provision shall be carried out by the city unless~~

1 ~~modified by the review commission. The review commission shall not, however, disapprove a~~
2 ~~reasonable and necessary request by the city for modification of a plan; and~~

3 ~~(7) To request reports or information from the city on any aspect of municipal~~
4 ~~government relevant to its fiscal status, which request shall be promptly complied with.~~

5 ~~**45-52.1-5. Termination of financial emergency.** -- (a) A financial emergency is deemed~~
6 ~~to no longer exist and the Central Falls review commission shall be inactivated at the time that the~~
7 ~~city has completed a period of three (3) consecutive fiscal years in which no operating deficit has~~
8 ~~been incurred and total debt does not exceed one hundred percent (100%) of the city's revenues~~
9 ~~from its own sources. The city shall be deemed to have completed its fiscal year with no~~
10 ~~operating deficit if that fact is certified by an independent audit.~~

11 ~~(b) The review commission shall be reactivated, with all of the powers and duties~~
12 ~~established in this chapter, immediately following any period of two (2) consecutive fiscal years~~
13 ~~in which the city shall either have incurred an operating deficit or total debt has exceeded one~~
14 ~~hundred percent (100%) of the city's revenues from its own sources. The reactivation of the~~
15 ~~review commission shall occur upon delivery of written notice to the mayor by the director of~~
16 ~~administration or the auditor general.~~

17 SECTION 2. Chapter 24-11 of the General Laws entitled "Jamestown Ferry" is hereby
18 repealed in its entirety.

19 CHAPTER 24-11

20 Jamestown Ferry

21 ~~**24-11-1. -- 24-11-21. [Repealed.]** --~~

22 ~~**24-11-22. Transfer of power to state director of transportation.** -- The powers, rights,~~
23 ~~and duties and functions of the Jamestown ferry authority are transferred to and vested in the state~~
24 ~~director of transportation.~~

25 ~~**24-11-23. Exclusive right to operate -- Necessity for service.** -- The exclusive right to~~
26 ~~operate the ferry services which the Jamestown ferry authority had prior to May 22, 1958 by law,~~
27 ~~is vested in the director of transportation who is authorized and directed to continue such~~
28 ~~exclusive operation. Operation of the services is hereby declared to be necessary and convenient~~
29 ~~in connection with the use of the state highway system, and ferries when so operated by the~~
30 ~~director of transportation shall be deemed part of the state highway system.~~

31 ~~**24-11-24. Jamestown ferry commission.** -- There is hereby created and established a~~
32 ~~commission to be known as the Jamestown ferry commission, composed of the director of~~
33 ~~transportation, as chairperson, the public utilities administrator, the director of administration, and~~
34 ~~two (2) qualified electors, one of whom shall be a resident of the town of Jamestown and the~~

1 other a resident of the city of Newport, who shall be appointed by the governor and shall serve at
2 the governor's pleasure. No member of the commission shall receive any compensation for his or
3 her services as a member, and the powers and duties vested in the director of transportation, the
4 public utilities administrator and the director of administration by the provisions of sections 24-
5 11-22—24-11-29 shall be construed to be in addition to any and all other powers and duties
6 vested in them by any other general or public law, and not in substitution thereof.

7 **24-11-25. Fixing of tolls and charges.**— The Jamestown ferry commission shall by vote
8 of a majority of the full commission from time to time establish the tolls, rates or charges to be
9 paid for any services performed by or connected with ferries operated pursuant to sections 24-11-
10 22—24-11-29; provided that no increase shall be made in a toll, rate, or charge except after thirty
11 (30) days' notice to the public published by posting the increase in plain type displayed at every
12 station or office where payments are made by the users of the ferry services.

13 **24-11-26. Employees in ferry service.**— All employees essential to the operation of the
14 ferry service shall be in the classified service of the state. Preference shall be given to qualified
15 residents of the town of Jamestown to fill vacancies which may occur among the personnel of the
16 ferry service within the classified service of the state.

17 **24-11-27. Revenue.**— All revenues derived from the operation of the ferry services shall
18 be paid over to the general treasurer as general revenue for use by the state.

19 **24-11-28. Saving of existing rights.**— The passage of sections 24-11-22—24-11-29
20 shall not affect any act done, any right accrued, acquired or established by, or any remedy for
21 injury to the Jamestown ferry authority, and the assignment and transfer provided for in this
22 chapter shall be deemed and held to be a continuation of all powers, duties, rights, and obligations
23 thereof.

24 **24-11-29. Annual appropriation.**— The general assembly shall annually appropriate
25 such sum or sums as it may deem necessary to carry out the purposes of sections 24-11-22—24-
26 11-29; and the state controller is hereby authorized and directed to draw his or her orders upon
27 the general treasurer for the payment of such sum or sums as may be necessary from time to time,
28 upon the receipt by the state controller of properly authenticated vouchers.

29 SECTION 3. Chapter 42-43 of the General Laws entitled "Rhode Island Board for the
30 Classification of Motion Pictures" is hereby repealed in its entirety.

31 **CHAPTER 42-43**

32 **Rhode Island Board for the Classification of Motion Pictures**

33 **42-43-1. Establishment of board.**— (a) There is hereby established a Rhode Island
34 board for the classification of motion pictures within the state department of elementary and

1 ~~secondary education which shall be composed of a chairman and eight (8) members who shall be~~
2 ~~appointed by the governor and who shall serve for a term of two (2) years. The members shall~~
3 ~~adopt such rules and regulations as they deem best governing their action, proceeding, and~~
4 ~~deliberation and the time and place of meeting.~~

5 ~~(b) The chairman and all members of the board shall be citizens of the state of Rhode~~
6 ~~Island and shall be chosen as far as is reasonably practicable in such a manner that they represent~~
7 ~~a cross section of the community. In so far as is reasonable and practicable, the members~~
8 ~~appointed to the board shall be persons educated and experienced in one or more of the following~~
9 ~~fields: Literature, philosophy, sociology, psychology, history, education, music, or other related~~
10 ~~fields.~~

11 ~~(c) On April 6 of every even numbered year, the governor shall announce the~~
12 ~~appointments to the board, and within thirty (30) days thereafter the members of the board shall~~
13 ~~meet at the call of the governor and elect one of its members as chairperson and shall elect such~~
14 ~~other officers as they shall deem necessary or convenient. Five (5) members of the board shall~~
15 ~~constitute a quorum, and the affirmative vote of five (5) members shall be necessary for any~~
16 ~~action taken by the board provided, however, that no vacancy in the membership of the board~~
17 ~~shall impair the right of a quorum to exercise all rights and perform all duties of the board.~~
18 ~~Members of the board shall receive no compensation for their services, but shall receive the~~
19 ~~necessary expenses incurred in the discharge of their official duties upon presentation of properly~~
20 ~~authenticated vouchers.~~

21 ~~(d) If a vacancy occurs upon the board by death, resignation, or otherwise, the governor~~
22 ~~shall appoint a member to fill the vacancy for the unexpired term. The board shall report annually~~
23 ~~to the governor on its operations and activities and shall make recommendations for the~~
24 ~~improvement and facilitation of its functions.~~

25 ~~**42-43-2. Administration.** — The board shall appoint an administrator who shall be the~~
26 ~~executive and administrative head responsible for the operations of the board. The administrator~~
27 ~~shall devote such time to the duties of his or her office as may be required and as shall be~~
28 ~~prescribed by the board. The salary of the administrator shall be determined by the board.~~

29 ~~**42-43-3. Definitions.** — As used in this chapter:~~

30 ~~(a) "Advertisement" means any commercial promotional material initiated by an~~
31 ~~exhibitor designed to bring a performance to public attention or to increase the sale of tickets to~~
32 ~~the exhibition of the same whether by newspaper, billboard, motion picture, television, radio, or~~
33 ~~other media;~~

34 ~~(b) "Board" means the Rhode Island board for the classification of motion pictures as~~

1 ~~established by this chapter;~~

2 ~~-(e) "Classification order" means any written determination by the board classifying a~~
3 ~~performance;~~

4 ~~-(d) "Classify" means to determine whether a performance is (1) suitable for young~~
5 ~~persons, or (2) not suitable for young persons;~~

6 ~~-(e) "Exhibit" means to present or conduct a performance in any public place within the~~
7 ~~state of Rhode Island for which a charge is made for admission;~~

8 ~~-(f) "Exhibitor" means any person, firm, corporation, or association which exhibits a~~
9 ~~performance;~~

10 ~~-(g) "File" means to deliver to the administrator for safe keeping as a public record of the~~
11 ~~board.~~

12 ~~-(h) "Initial exhibition" means the first exhibition of any performance within the state of~~
13 ~~Rhode Island;~~

14 ~~-(i) "Not suitable for young persons" means that quality of any description or~~
15 ~~representation, in any performance, of nudity, sexual conduct, sexual excitement, or sado-~~
16 ~~masochistic abuse, when it:~~

17 ~~-(i) Predominantly appeals to the prurient, shameful, or morbid interest of young persons,~~
18 ~~and~~

19 ~~-(ii) Is patently offensive to the prevailing standards in the adult community as a whole~~
20 ~~with respect to what is suitable material for young persons, and~~

21 ~~-(iii) Is utterly without redeeming social importance for young persons.~~

22 ~~-(j) "Nudity" means the showing of the human male or female genitals, pubic area or~~
23 ~~buttocks with less than a full opaque covering, or the showing of the female breast with less than~~
24 ~~a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of~~
25 ~~covered male genitals in a discernibly turgid state;~~

26 ~~-(k) "Performance" means any motion picture film or series of films with full length or~~
27 ~~short subject, but does not include news reel film portraying actual current events or pictorial~~
28 ~~news of the day;~~

29 ~~-(l) "Sado masochistic abuse" means flagellation or torture by or upon a person clad in~~
30 ~~undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise~~
31 ~~physically restrained on the part of one so clothed;~~

32 ~~-(m) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or~~
33 ~~physical contact with a person's clothed or unclothed genitals, pubic areas, buttocks, or, if such~~
34 ~~person be a female, breast;~~

1 ~~-(n) "Sexual excitement" means the condition of human male or female genitals when in a~~
2 ~~state of sexual stimulation or arousal;~~

3 ~~-(o) "Subsequent exhibition" means to exhibit subsequent to the initial exhibition whether~~
4 ~~by the same or a different exhibitor;~~

5 ~~-(p) "Young person" means any person who has not attained his or her eighteenth~~
6 ~~birthday.~~

7 ~~**42-43 4. Powers and duties of board.** -- (a) It shall be the duty of the board to examine~~
8 ~~and review all performances to be exhibited, conducted, or held in this state, irrespective of~~
9 ~~whether or not the same has been licensed by any licensing authority for the purpose of~~
10 ~~determining its probable effect upon persons under the age of eighteen (18) years.~~

11 ~~-(b) Seven (7) days before any initial exhibition, the exhibitor shall file a proposed~~
12 ~~classification of the performance it is to exhibit stating the title of the performance and the name~~
13 ~~of the producer and give a summary of the plot and such other information as the board may~~
14 ~~require, together with the classification proposed by the exhibitor. The board shall examine the~~
15 ~~proposed classification and if it approves the same shall mark it "Approved" and file it as its own~~
16 ~~classification order. If the board fails to act, that is either file a classification order or hold a~~
17 ~~hearing within five (5) days after the proposed classification is filed, the proposed classification~~
18 ~~shall be considered approved.~~

19 ~~-(c) If upon examination of the proposed classification a majority of the board is not~~
20 ~~satisfied that the proposed classification is proper, the chairperson shall hold a hearing and shall~~
21 ~~direct the exhibitor to conduct the performance before the board at a suitably equipped place, and~~
22 ~~at a specified time which shall be the earliest time practicable. The exhibitor may at that time~~
23 ~~make such statement to the board in support of his or her proposed classification and may present~~
24 ~~such testimony as he or she desires. Within two (2) days of the conducting of the performance,~~
25 ~~the board shall make and file its classification of the performance in question.~~

26 ~~-(d) Upon filing by the board of any classification order, the administrator shall~~
27 ~~immediately issue and mail a notice of classification to the exhibitor involved and to any other~~
28 ~~exhibitor who shall request that notice.~~

29 ~~**42-43 5. Judicial review.** -- In addition to any other remedy he or she may have, any~~
30 ~~exhibitor considering him or herself aggrieved by any classification order of the board may within~~
31 ~~twenty four (24) hours of the receipt of the notification file a notice of nonacceptance of the~~
32 ~~board's classification, stating his or her intention to exhibit the performance in question under a~~
33 ~~different classification. Thereupon it shall be the duty of the board to do the following: The board~~
34 ~~shall within forty eight (48) hours of the filing of the notice of non acceptance commence a suit~~

1 ~~against the exhibitor in the superior court for the counties of Providence and Bristol by filing a~~
2 ~~complaint wherein shall be contained prayers that the performance is not suitable for young~~
3 ~~persons and that its exhibition to young persons be permanently enjoined. Forthwith upon the~~
4 ~~commencement of the proceedings the court may issue its order enjoining until full hearing by the~~
5 ~~court the admission to such performance of any young person and the clerk of the court shall~~
6 ~~cause notice of the pendency to be served upon the exhibitor. The matter shall then be heard by~~
7 ~~the court on the question of whether or not the performance is suitable for young persons within~~
8 ~~one day of the joinder of issue and the court shall render its decision within forty eight (48) hours~~
9 ~~of the conclusion of the hearing. The proceedings shall have priority on the court calendar. In~~
10 ~~determining the time periods heretofore set forth in this section, Saturdays, Sundays, and court~~
11 ~~holidays shall not be counted and the superior court shall not be required to hear these cases on~~
12 ~~those days. Throughout these proceedings, the board shall have the burden of proof and if any of~~
13 ~~the provisions of this chapter have not been strictly complied with by the board, the court shall~~
14 ~~upon application forthwith dissolve any temporary injunction heretofore issued.~~

15 **42-43-6. Offenses.** ~~---~~ (a) It shall be unlawful for any exhibitor or his or her employees:

16 ~~-(1) To exhibit any performance which has not been classified as provided in this chapter;~~

17 ~~-(2) To exhibit any performance classified "not suitable for young persons" if any current~~
18 ~~advertisement of the performance by the exhibitor fails to state clearly the classification of the~~
19 ~~performance;~~

20 ~~-(3) To exhibit any performance classified "not suitable for young persons" without~~
21 ~~keeping the classification posted prominently in front of the theatre or building in which the~~
22 ~~performance is being exhibited;~~

23 ~~-(4) Knowingly to sell or give to any young person a ticket to any performance classified~~
24 ~~"not suitable for young persons";~~

25 ~~-(5) Knowingly to permit any young person to view the exhibition of any performance~~
26 ~~classified "not suitable for young persons";~~

27 ~~-(6) To make any false or wilfully misleading statement in any proposed classification or~~
28 ~~other proceeding before the board.~~

29 ~~-(b) It shall be unlawful for any young person:~~

30 ~~-(1) To give his or her age falsely as over eighteen (18) years of age for the purpose of~~
31 ~~gaining admittance to the exhibition of a performance classified "not suitable for young persons";~~

32 ~~-(2) To enter or remain in the viewing portion of any theatre or other place where a~~
33 ~~performance classified "not suitable for young persons" is being exhibited;~~

34 ~~-(3) To state falsely that he or she is married for the purpose of gaining admittance to an~~

1 ~~exhibition of a performance classified as "not suitable for young persons."~~

2 ~~(c) It shall be unlawful for any person:~~

3 ~~(1) To sell or give to any young person a ticket or other form of admittance to an~~
4 ~~exhibition of a performance classified "not suitable for young persons";~~

5 ~~(2) To make any false or wilfully misleading statement in a proceeding before the board;~~

6 ~~(3) To make any false statement for the purpose of enabling any young person to gain~~
7 ~~admittance to the exhibition of a performance classified "not suitable for young persons."~~

8 ~~(d) To the extent that any prosecution or other proceeding under this chapter involves the~~
9 ~~entering, purchasing of a ticket, or viewing by a young person of a performance classified "not~~
10 ~~suitable for young persons", it shall be a valid defense that the young person was accompanied by~~
11 ~~a parent, legally appointed guardian, or spouse throughout the exhibition of the performance.~~

12 ~~(e) (i) If an exhibitor or his or her employee is in doubt as to the age of any person~~
13 ~~buying a ticket or seeking admittance to an exhibition of a performance classified "not suitable~~
14 ~~for young persons" the exhibitor may demand that the person bring and display any of the~~
15 ~~following documents:~~

16 ~~(1) A birth certificate;~~

17 ~~(2) A baptismal certificate;~~

18 ~~(3) An armed services identification card;~~

19 ~~(4) A Rhode Island motor vehicle operator's license;~~

20 ~~(5) A Rhode Island identification card, and may require that any person who has shown a~~
21 ~~document as set forth in this section substantiating his or her age to sign his or her name in a book~~
22 ~~kept for this purpose, indicating what document was presented.~~

23 ~~(ii) If a person whose age is questioned shall sign the book before he or she is admitted~~
24 ~~to the exhibition of the performance and it is later determined that the person was not over~~
25 ~~eighteen (18) years of age, it shall be considered prima facie evidence that the exhibitor or his or~~
26 ~~her employee acted in good faith in admitting the person so producing the document as set forth~~
27 ~~in this section misrepresenting his or her age.~~

28 ~~(f) It shall be unlawful for any exhibitor to exhibit "X" rated films with any film with a~~
29 ~~different rating or classification in a building with two (2) or more theatres without providing~~
30 ~~separate entrances and box offices, and without preventing access from one theatre to another~~
31 ~~theatre by patrons.~~

32 ~~(g) It shall be unlawful for any exhibitor to exhibit "R" rated films or any films classified~~
33 ~~"not suitable for young persons" with any film with a different rating or classification in a~~
34 ~~building with two (2) or more theaters without providing separate entrances to the viewing area.~~

1 ~~(h) The offenses under this section shall be deemed misdemeanors; provided, however,~~
2 ~~that for all the offenses there shall be a mandatory fine of not less than fifty dollars (\$50.00).~~

3 ~~**42-43-7. Appropriations and expenses.** -- There is hereby appropriated the sum of ten~~
4 ~~thousand dollars (\$10,000) to carry out the purposes of this chapter, and the general assembly~~
5 ~~shall annually appropriate such sums as it may deem necessary to carry out the provisions of this~~
6 ~~chapter; and the state controller is hereby authorized and directed to draw his or her orders upon~~
7 ~~the general treasurer for the payment of that sum, or so much thereof as may be required from~~
8 ~~time to time, upon receipt by him or her of proper vouchers duly authenticated.~~

9 ~~**42-43-8. Severability.** -- If any clause, section, paragraph, or other part of this chapter or~~
10 ~~the application thereof to any person or circumstances shall for any reason be adjudged by a court~~
11 ~~of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the~~
12 ~~remainder of this chapter or its application to other persons or circumstances.~~

13 ~~**42-43-9. Preview of "X" or "R" rated films.** -- No person shall exhibit, show, or use~~
14 ~~any preview film, reel, or view of any film rated "X" or "R" on any movie screen except at a~~
15 ~~showing of a film rated "X" or "R." Any person who violates the provisions of this section shall~~
16 ~~be fined not more than two hundred fifty dollars (\$250) or imprisoned not more than six (6)~~
17 ~~months or both.~~

18 ~~**42-43-10. "X" rated movies exhibited at drive-in theaters.** -- Every person, firm,~~
19 ~~corporation or association who operates a drive-in theater having a screen which is visible from~~
20 ~~public highways, is prohibited from exhibiting films rated "X." Any violation of this section shall~~
21 ~~be punishable by a fine of not more than five hundred (\$500) dollars and/or imprisonment for a~~
22 ~~term not to exceed one year.~~

23 SECTION 4. Chapter 42-108 of the General Laws entitled "Comprehensive
24 Criminal/Juvenile Justice Information System Act" is hereby repealed in its entirety.

25 CHAPTER 42-108

26 Comprehensive Criminal/Juvenile Justice Information System Act

27 ~~**42-108-1. Short title.** -- This chapter shall be known and may be cited as the~~
28 ~~"Comprehensive Criminal/Juvenile Justice Information System Act".~~

29 ~~**42-108-2. Legislative findings.** -- It is found and declared by the general assembly as~~
30 ~~follows: that as specified in the report entitled "criminal justice information system", dated June~~
31 ~~15, 1988, the departments and agencies concerned with criminal justice in the state, including the~~
32 ~~Rhode Island state police, the department of public defender, the department of attorney general,~~
33 ~~the department of corrections, the department of children, youth, and families, and the state~~
34 ~~courts, do not have a network through which they can share information relating to criminal and~~

1 ~~juvenile offenders; that the lack of such a network results in persons who should be confined or~~
2 ~~whose activities should be monitored closely being able to travel unsupervised among the~~
3 ~~citizenry of Rhode Island, resulting in danger to both adults and children; that in order to correct~~
4 ~~this situation, it is necessary to create a committee to establish and administer a comprehensive~~
5 ~~criminal/juvenile justice information system which will join in an economic manner all~~
6 ~~departments and agencies concerned with criminal justice in the state in order to facilitate the~~
7 ~~flow of information, eliminate the unnecessary redundant work presently performed, and~~
8 ~~establish a more effective and efficient criminal justice program within the state.~~

9 ~~**42-108-2.1. Legislative findings -- Automated civil information system.** -- It is found~~
10 ~~and declared by the general assembly as follows: that the Rhode Island state courts do not have an~~
11 ~~adequate computer system to effectively and timely provide information and processing for the~~
12 ~~courts and its users; that the current court computer system for civil, family, and appellate case~~
13 ~~processing is presently based on outdated technology that does not enable timely and complete~~
14 ~~communication between courts, courts and attorneys, attorneys and their clients and between~~
15 ~~court operations and administrators; that the court's current civil, family court, workers'~~
16 ~~compensation, child support case tracking, and collections systems are all independent systems~~
17 ~~that do not and cannot share essential information which results in duplication of data and~~
18 ~~inefficiency; that the present system does not allow the courts any meaningful ability to plan~~
19 ~~court operations or to quickly react to necessary changes; that through the comprehensive~~
20 ~~automation of the civil, family, and appellate courts benefits will be realized to the courts and~~
21 ~~most importantly to the litigants and users of the state's justice system; that pursuant to the~~
22 ~~provisions of this chapter, the state is implementing a modern computer network to coordinate~~
23 ~~criminal and juvenile justice information; that in order to correct the situation relating to the civil~~
24 ~~information system and to coordinate with the criminal juvenile justices information system, it is~~
25 ~~necessary for the courts to establish and implement an automated civil information system~~
26 ~~(ACIS) in order to ensure the orderly and timely dispensation of justice.~~

27 ~~**42-108-3. Definitions.** -- The following words and terms, unless the context clearly~~
28 ~~indicates a different meaning, shall have the following meanings:~~

29 ~~-(1) "Account" means the restricted receipts account established pursuant to former~~
30 ~~section 42-108-7.~~

31 ~~-(2) "Administrator" means the court administrator for the state.~~

32 ~~-(3) "Committee" means the comprehensive criminal/juvenile justice information systems~~
33 ~~committee created pursuant to section 42-108-4.~~

34 ~~-(4) "Criminal justice agencies" means and includes the Rhode Island state police, the~~

1 ~~department of public defender, the department of attorney general, the department of corrections,~~
2 ~~the department of children, youth, and families, and the state courts.~~

3 ~~(5) "Executive director" means the executive director of the governor's justice~~
4 ~~commission.~~

5 ~~**42-108-4. Committee established.** -- There is created and established a committee to be~~
6 ~~known as the "committee to establish and administer a comprehensive criminal/juvenile justice~~
7 ~~information system".~~

8 ~~**42-108-5. Membership of committee.** -- The committee shall consist of the executive~~
9 ~~director of the governor's justice commission, or his or her designee; the auditor general of the~~
10 ~~state, or his or her designee; and the court administrator of the state or his or her designee. The~~
11 ~~committee may be advised by the criminal justice information system subcommittee of the~~
12 ~~governor's justice commission.~~

13 ~~**42-108-6. Powers and scope of activities.** -- The committee shall have all the powers~~
14 ~~necessary or convenient to carry out and effectuate the purpose and provisions of this chapter,~~
15 ~~including in addition to other powers granted in this chapter, the following powers:~~

16 ~~(1) To plan, develop and administer a comprehensive criminal/juvenile justice~~
17 ~~information system to be utilized by the criminal justice agencies within the state;~~

18 ~~(2) To work with a consultant to be selected, to implement the criminal justice~~
19 ~~information system plan dated June 15, 1988 as deemed appropriate by the committee;~~

20 ~~(3) To make and publish rules and regulations regarding the conduct of its business and~~
21 ~~for the sharing of information among criminal justice agencies within the state;~~

22 ~~(4) To receive on behalf of the state those grants or loans that may be made by the~~
23 ~~federal government or by private persons or groups for the purposes of this chapter, and it shall be~~
24 ~~the designated agency of the state in applying for those grants;~~

25 ~~(5) To allocate funds to the various criminal justice agencies within the state in order to~~
26 ~~enable the agencies to improve and upgrade their individual information systems in a manner~~
27 ~~consistent with the criminal justice information system plans;~~

28 ~~(6) To enter into contracts and funding agreements on behalf of the state in order to carry~~
29 ~~out its powers and functions under this chapter;~~

30 ~~(7) To authorize the improvement and upgrading of an individual information system by~~
31 ~~the various criminal justice agencies and to allocate the funds for improvement and upgrading;~~

32 ~~(8) To employ one fiscal clerk and one teller to be assigned to the traffic tribunal to assist~~
33 ~~in accounting for revenue. Funding for those employees shall be provided from the restricted~~
34 ~~receipts account;~~

1 ~~-(9) To hire any personnel as may be necessary to carry out the purpose of this chapter,~~
2 ~~those positions to be funded by the restricted receipts account.~~

3 ~~42-108-7. [Repealed.]~~

4 ~~42-108-8. Automated civil information system (ACIS) -- Committee established.~~

5 ~~There is created and established a committee to be known as the "Committee to Establish and~~
6 ~~Administer a Comprehensive Automated Civil Information System."~~

7 ~~42-108-9. Membership of committee (ACIS).~~ ~~The committee established pursuant to~~
8 ~~section 42-108-8 shall consist of the auditor general of the state, or his or her designee; the court~~
9 ~~administrator of the state or his or her designee; and the director of the department of~~
10 ~~administration or his or her designee. The committee may be advised by a subcommittee to be~~
11 ~~appointed by the chief justice of the supreme court.~~

12 ~~42-108-10. Power and scope of authority (ACIS).~~ ~~The committee shall have all the~~
13 ~~powers necessary or convenient to carry out and effectuate the purposes and provisions of this~~
14 ~~chapter as set forth in section 42-108-2.1, including in addition to other powers granted in this~~
15 ~~chapter, the following powers:~~

16 ~~-(1) To plan, develop, and administer an automated civil information system;~~

17 ~~-(2) To develop and implement a system enabling attorneys and third parties to access~~
18 ~~court information to achieve an orderly and efficient civil, family, and appellate judicial system.~~
19 ~~In order to carry out the provisions herein, the ACIS committee may establish certain fee~~
20 ~~structures and take action consistent with the power herein;~~

21 ~~-(3) To prepare requests for proposals, bid specifications, and the like in order to carry out~~
22 ~~its powers and functions;~~

23 ~~-(4) To enter into contracts on behalf of the state in order to carry out its powers and~~
24 ~~functions.~~

25 SECTION 5. Chapter 42-63.3 of the General Laws entitled "Socially Responsible
26 Corporations" is hereby repealed in its entirety.

27 ~~CHAPTER 42-63.3~~

28 ~~Socially Responsible Corporations~~

29 ~~42-63.3-1. Legislative findings.~~ ~~(a) It is found and declared that corporations which~~
30 ~~are socially responsible lessen the public assistance burden of the state, contribute to the health~~
31 ~~and living conditions of the citizens, contribute to the commerce, welfare and prosperity of the~~
32 ~~citizens of the state, contribute to a stable and prosperous state economy and generally benefit the~~
33 ~~people of this state.~~

34 ~~-(b) It is further found and declared that the expansion, encouragement and development~~

1 ~~of socially responsible corporations within the state shall further lessen the public assistance~~
2 ~~burdens of the state, further contribute to the health and living conditions of the citizens, further~~
3 ~~contribute to the commerce, welfare and prosperity of the citizens of the state, further contribute~~
4 ~~to a stable and prosperous state economy and generally further benefit the people of this state.~~

5 ~~(c) It is further found and declared to be the public policy of the state to encourage the~~
6 ~~expansion and development of socially responsible corporations within the state.~~

7 ~~**42-63.3-2. Commission established.** --- There shall be created a socially responsible~~
8 ~~corporations commission. The commission shall consist of nine (9) members: two (2) of whom~~
9 ~~shall be members of the house of representatives appointed by the speaker, not more than one of~~
10 ~~whom shall be from the same political party; two (2) of whom shall be members of the senate,~~
11 ~~appointed by the president of the senate, not more than one of whom shall be from the same~~
12 ~~political party; one member of the general public appointed by the speaker; one member of the~~
13 ~~general public appointed by the governor; one representative of the Rhode Island business~~
14 ~~community to be appointed by the governor; one representative of a nonprofit community based~~
15 ~~service organization to be appointed by the speaker; and one representative of a statewide~~
16 ~~religious organization to be appointed by the speaker. The commission shall meet at the call of~~
17 ~~the speaker, who shall appoint the chairperson. Staffing for the commission shall be provided by~~
18 ~~the office of the speaker. Members of the commission shall serve without compensation.~~

19 ~~**42-63.3-3. Powers.** --- The commission shall annually designate and publish a list of~~
20 ~~corporations which have been designated by the commission as qualifying as socially responsible~~
21 ~~corporations and entitled to the benefits of this chapter. A corporation shall qualify as a socially~~
22 ~~responsible corporation only if it meets the requirements as set forth by the commission and this~~
23 ~~chapter and has been designated as a qualifying socially responsible corporation. The designation~~
24 ~~shall be for a one year period and a corporation must annually reapply to the commission.~~

25 ~~**42-63.3-4. General requirements.** --- Businesses qualifying as socially responsible for~~
26 ~~this list should give evidence of good corporate citizenship --- communicating with local residents~~
27 ~~about common concerns and sharing corporate resources to help solve community problems by~~
28 ~~offering philanthropic support and having institutionalized corporate codes of conduct. They shall~~
29 ~~demonstrate concern about employee relations. Energy shall be produced and used responsibly in~~
30 ~~a safe, clean and efficient manner. They shall take an active role in improving the environment~~
31 ~~and offer quality and useful products and services giving attention to how they are marketed and~~
32 ~~the relationships with consumers. They shall not do business with South Africa nor depend~~
33 ~~largely on defense contracts.~~

34 ~~**42-63.3-5. Specific criteria.** --- A corporation shall qualify as a socially responsible~~

1 corporation only if it meets the following requirements:

2 ~~-(1) It shall be legally incorporated as a business entity according to state and federal~~
3 ~~requirements and it shall be a corporation with its headquarters located in the state of Rhode~~
4 ~~Island that employs not less than five (5) individuals;~~

5 ~~-(2) It derives less than fifty percent (50%) of its income from contracts or sales involving~~
6 ~~military or defense related matters or has in place a reasonable concrete plan for economic~~
7 ~~diversification;~~

8 ~~-(3) It practices a pay equity differential policy in which the total annual compensation of~~
9 ~~the highest compensated individual does not exceed the total annual compensation of the lowest~~
10 ~~compensated full time individual by twenty five (25) times;~~

11 ~~-(4) It donates five percent (5%) of its pretax revenue or ten percent (10%) of its after tax~~
12 ~~revenue to Rhode Island based nonprofit charitable causes whose goal it is to promote racial,~~
13 ~~ethnic, social or community welfare.~~

14 ~~-(5) The commission shall adopt additional requirements to qualify as a socially~~
15 ~~responsible corporation not inconsistent with the requirements set forth above such as (but not to~~
16 ~~be limited to) requiring that:~~

17 ~~-(i) The corporation practices a program against racism, sexism or age discrimination and~~
18 ~~conducts affirmative recruitment of racial minorities, women and the elderly at the employee,~~
19 ~~management and executive levels;~~

20 ~~-(ii) The corporation has a board of directors that is representative of the changing racial~~
21 ~~composition of the state of Rhode Island;~~

22 ~~-(iii) The corporation uses energy in a safe, clean, and efficient manner, and is active in~~
23 ~~improving the environment;~~

24 ~~-(iv) The corporation is not involved in, nor has a history of being repeatedly involved in,~~
25 ~~labor related disputes.~~

26 ~~**42-63.3-6. Benefits.** --- Corporations qualifying under the provisions of this chapter shall~~
27 ~~be annually recognized by the commission in the following manner: presented an award at a~~
28 ~~public event or ceremony hosted by the governor; given public acclaim through the placement of~~
29 ~~a single advertisement and/or article listing the designees in major statewide newspapers; by other~~
30 ~~means which the commission might deem appropriate given its budgetary capacity as established~~
31 ~~by its own fundraising efforts.~~

32 ~~**42-63.3-7. Additional rules and regulations.** --- The commission shall promulgate~~
33 ~~appropriate rules and regulations to insure the proper administration of the provisions of this~~
34 ~~chapter.~~

1 ~~**42-63.3-8. Severability.** -- Every word, phrase, clause, section, subsection and any of the~~
2 ~~provisions of this chapter are declared to be severable from the whole, and a declaration of~~
3 ~~unenforceability or unconstitutionality of any of the portions of this chapter, by a judicial court of~~
4 ~~competent jurisdiction, shall not affect the portions remaining.~~

5 SECTION 6. Chapter 37-18 of the General Laws entitled "Narragansett Indian Land
6 Management Corporation" is hereby repealed in its entirety.

7 ~~CHAPTER 37-18~~

8 ~~Narragansett Indian Land Management Corporation~~

9 ~~**37-18-1. Short title.** -- This chapter shall be known as the "Narragansett Indian Land~~
10 ~~Management Corporation Act".~~

11 ~~**37-18-2. Definitions.** -- (a) "Corporation" means the Narragansett Indian land~~
12 ~~management corporation established by section 37-18-3.~~

13 ~~-(b) "Federal recognition" means the formal acknowledgement of the existence of an~~
14 ~~American Indian tribe pursuant to 25 U.S.C. section 1707 and 25 Code of Federal Regulations,~~
15 ~~Part 83.~~

16 ~~-(c) "Improvement" means land preparation and provision of public improvements such~~
17 ~~as streets, sewers, and water lines needed for commercial and residential development.~~

18 ~~-(d) "Indian" means those descendants of the individuals named on the list established~~
19 ~~pursuant to the Acts of 1880, ch. 800, section 4.~~

20 ~~-(e) "Indian corporation" means the Rhode Island non-business corporation known as the~~
21 ~~Narragansett Tribe of Indians.~~

22 ~~-(f) "Land use plan" means the plan established by the division of statewide planning and~~
23 ~~accepted by the town and the corporation.~~

24 ~~-(g) "Secretary of the interior" means the secretary of the United States department of the~~
25 ~~interior.~~

26 ~~-(h) "State" means the state of Rhode Island and Providence Plantations.~~

27 ~~-(i) "Town" means the town of Charlestown, Rhode Island.~~

28 ~~**37-18-3. Corporation established -- Passage to state upon cessation of business.** -- (a)~~
29 ~~Subject to the provisions of section 37-18-12, there is hereby authorized, created, and established~~
30 ~~a permanent, public corporation of the state having a distinct legal existence from the state and~~
31 ~~not constituting a department of state government, to be known as the "Narragansett Indian land~~
32 ~~management corporation" with such powers as are set forth in this chapter for the purposes of~~
33 ~~acquiring, managing, and purchasing real property as provided in section 37-18-6(d).~~

34 ~~-(b) It is the intent of the general assembly by the passage of this chapter to vest in the~~

1 corporation all powers, authority, rights, privileges, and titles which may be necessary to enable it
2 to accomplish the purposes herein set forth.

3 ~~(c) If, for any reason, the corporation shall cease entirely and continuously to conduct or
4 be involved in any business whatsoever in furtherance of its purposes, all its duties, purposes,
5 rights, and properties shall pass to and be vested in the state and the lands shall be held in trust for
6 the Indians, as defined in this chapter, subject to the provisions of sections 37-18-12 and 37-18-
7 13.~~

8 ~~**37-18-4. Purposes.** --- The corporation is authorized, created and established for the
9 following purposes:~~

10 ~~To manage and hold the real property acquired pursuant to the provisions of sections 37-
11 18-6(d) and 37-18-7 for the benefit of the descendants of those individuals of Indian ancestry set
12 forth in the list established pursuant to P.L. 1880, ch. 800, section 4.~~

13 ~~**37-18-5. Board of directors -- Annual report -- Oath -- Officers -- Quorum and
14 required vote -- Meetings and records.** --- (a) All the powers of the corporation shall be vested
15 in the board of directors of the corporation. An annual report shall be compiled in accordance
16 with chapter 36 of title 42 and shall also be submitted to the general assembly not later than
17 February 15.~~

18 ~~(b) The corporation shall consist of nine (9) directors, five (5) of whom shall be
19 appointed by the Indian corporation, two (2) of whom shall be appointed by the governor (one of
20 whom shall be the director of the department of environmental management or its successor
21 agency or department and who shall serve as nonvoting director and who shall not serve as
22 chairperson), one of whom shall be appointed jointly by the speaker of the house of
23 representatives, and by the president of the senate, and one of whom shall be appointed by the
24 town council. Two (2) of the directors appointed by the Indian corporation and the director
25 appointed by the town council shall be appointed initially to four (4) year terms. Two (2) of the
26 directors appointed by the Indian corporation and the director appointed jointly by the speaker of
27 the house of representatives and the president of the senate shall be appointed initially to five (5)
28 year terms. One of the directors appointed by the Indian corporation and the two (2) directors
29 appointed by the governor shall be appointed initially to six (6) year terms. After the initial
30 appointment terms have expired, successor terms for directors shall be for a period of three (3)
31 years, the intention being that one third (1/3) of the board of directors shall be appointed
32 annually. Any member chosen to fill a vacancy occurring otherwise than by expiration of a term
33 shall be appointed only for the remainder of that unexpired term. All members of the board shall
34 be eligible for reappointment.~~

1 ~~-(c) Each member of the board of directors, before entering upon his or her duties, shall~~
2 ~~take an oath to administer the duties of his or her office faithfully and impartially, and the oath~~
3 ~~shall be filed in the office of the secretary of state. No member of the board shall benefit directly~~
4 ~~or indirectly from any project undertaken by the corporation, other than in his or her capacity as a~~
5 ~~descendant of an individual listed in P.L. 1880, ch. 800, section 4. The oath shall state:~~

6 ~~"I, (naming the person), so solemnly affirm that I will faithfully and impartially~~
7 ~~discharge my duties as a member of the board of directors of the Narragansett Indian land~~
8 ~~management corporation according to the best of my abilities, and that I will support the~~
9 ~~Constitution and laws of this state, and the Constitution of the United States, and I do solemnly~~
10 ~~promise that I will observe and strictly obey the bylaws, rules, and regulations set down by this~~
11 ~~commission and do further declare that I entertain no ill will toward any member of this~~
12 ~~commission. This affirmation I make and give upon the peril of the penalty of perjury."~~

13 ~~-(d) The board of directors may elect such officers as may be required to conduct the~~
14 ~~corporation's business.~~

15 ~~-(e) Five (5) members of the board of directors of the corporation shall constitute a~~
16 ~~quorum, and a vote of five (5) members of the board of directors shall be necessary for any action~~
17 ~~taken by the corporation. No vacancy in the membership of the board of directors shall impair the~~
18 ~~right of a quorum to exercise all the powers and perform the duties of the corporation.~~

19 ~~-(f) Any action taken by the corporation under the provisions of this chapter may be~~
20 ~~authorized by resolution at any regular or special meeting, and each such resolution shall take~~
21 ~~effect immediately. All meetings shall be open to the public, and all records shall be a matter of~~
22 ~~public record except that if a majority of the board by public vote determines that it would be in~~
23 ~~the best interest of the corporation to hold an executive session in private, then the board is~~
24 ~~authorized to transact only the following business at the closed meeting, and the records of the~~
25 ~~meeting shall not become public record until the transaction discussed has, in the opinion of the~~
26 ~~directors, been completed:~~

27 ~~-(1) Any discussions of the job performance, character, physical or mental health of a~~
28 ~~person or persons, provided that the person or persons affected may require that the discussion be~~
29 ~~held at an open meeting;~~

30 ~~-(2) Any discussions or consideration related to the acquisition of real property wherein~~
31 ~~public information would be detrimental to the interest of the corporation.~~

32 ~~**37-18-6. Powers and duties.** -- The corporation shall have the following powers,~~
33 ~~together with all powers incidental thereto or necessary for the performance of those hereinafter~~
34 ~~stated:~~

1 ~~-(a) To have perpetual succession as a body corporate and to adopt bylaws for the~~
2 ~~regulation of its affairs and the conduct of its business;~~

3 ~~-(b) To sue and be sued, complain, and defend, in its corporate name; provided, however,~~
4 ~~the corporation shall have no standing in any zoning or other administrative or judicial~~
5 ~~proceeding involving land presently owned by castle realty company in the town;~~

6 ~~-(c) To have a seal which may be altered at pleasure and to use the seal by causing it, or a~~
7 ~~facsimile thereof, to be impressed or affixed or in any other manner reproduced;~~

8 ~~-(d) To purchase, take, receive, lease, or otherwise acquire from any person, firm,~~
9 ~~corporation, municipality, the federal government, or state, by grant, purchase, lease, or gift, or to~~
10 ~~obtain options for the acquisition of any personal property and the real property situated in the~~
11 ~~town and defined as the "settlement lands" in that "joint memorandum of understanding~~
12 ~~concerning settlement of the Rhode Island Indian land claims" dated February 28, 1978, and~~
13 ~~related to the lawsuits entitled Narragansett Tribe of Indians v. Rhode Island Director of~~
14 ~~Environmental Management, and Narragansett Tribe of Indians v. Southern Rhode Island Land~~
15 ~~Development Co., et al., C. A. Nos. 75-0005, 75-0006 (U.S. D. R.I.), improved or unimproved,~~
16 ~~and interests in the land less than the fee thereof; and to own, hold, clear, improve, develop, and~~
17 ~~rehabilitate the land subject to the restrictions set forth in sections 37-18-7 and 37-18-10;~~

18 ~~-(e) To make and execute agreements of lease, mortgages, construction contracts,~~
19 ~~operation contracts, and other contracts and instruments necessary or convenient in the exercise~~
20 ~~of the powers and functions of the corporation granted by this chapter; provided, however, that~~
21 ~~any liabilities incurred shall be payable solely from the revenues of the corporation;~~

22 ~~-(f) To invest and reinvest its funds;~~

23 ~~-(g) To conduct its activities, carry on its operations, and have offices and exercise the~~
24 ~~powers granted by this chapter within the state;~~

25 ~~-(h) To elect or appoint officers and agents of the corporation, define their duties, and fix~~
26 ~~their compensation;~~

27 ~~-(i) To secure the cooperation and assistance of the United States and any of its agencies~~
28 ~~and of agencies of this state in the work of the corporation;~~

29 ~~-(j) To accept grants, donations, gifts, loans of funds, and contributions of money,~~
30 ~~services, materials, or otherwise, from the United States or any of its agencies, from the state or~~
31 ~~any of its agencies, or from any other source, and to use or expend money, services, materials, or~~
32 ~~other contributions in carrying out the purpose of this chapter;~~

33 ~~-(k) To enter into agreements to pay annual sums in lieu of taxes to the town in respect to~~
34 ~~real property which is owned by the corporation and is located in the town;~~

1 ~~-(l) To employ, in its discretion, attorneys, accountants, architectural and engineering~~
2 ~~consultants, financial consultants, and such other employees, except an executive director, and~~
3 ~~agents as it shall deem necessary in its judgment and to fix their compensation;~~

4 ~~-(m) (1) To grant or otherwise convey (whether voluntarily or involuntarily, including~~
5 ~~any eminent domain or condemnation proceedings) easements for public or private purposes;~~

6 ~~-(2) The corporation shall have the power to and shall grant to the Providence boys' club~~
7 ~~or its successors in interest a reasonable right of way over the real property held by the~~
8 ~~corporation if any real property held by the Providence boys' club or its successors in interest~~
9 ~~requires such a right of way as a means of access to a public right of way;~~

10 ~~-(3) The corporation shall have the power to and shall grant to the state a mutually~~
11 ~~acceptable right and easement to pass by foot and vehicle over a forty five foot (45') wide strip of~~
12 ~~land located within the town and in the Indian Cedar Swamp management area between Kings~~
13 ~~Factory road and the Pawcatuck River, and to use an area of the end of the strip sufficiently large~~
14 ~~for the parking of automobiles and the launching of boats;~~

15 ~~-(n) To adopt rules and regulations concerning hunting and fishing rights on the~~
16 ~~corporation's land subject to the provisions of section 37-18-8;~~

17 ~~-(o) To bring proceedings to remove clouds on title or such other proceedings as it may,~~
18 ~~in its discretion, deem proper and necessary;~~

19 ~~-(p) To have and exercise all powers necessary or convenient to effect its purposes;~~
20 ~~provided, however, the corporation shall have no power to sell, grant, convey, transfer, or~~
21 ~~otherwise alienate land or any interest therein other than as specifically provided in subsection~~
22 ~~(m) of this section.~~

23 **37-18-7. Transfer of property -- Restrictions on use.** ~~-(a) Subject to the provisions of~~
24 ~~sections 37-18-12, 37-18-13, and 37-18-14, upon the adoption of a land use plan accepted by the~~
25 ~~town and the corporation pursuant to section 37-18-10 and the satisfaction of the requirements set~~
26 ~~forth in section 37-18-8, the governor is authorized, empowered, and directed to transfer, assign,~~
27 ~~and convey to the corporation in fee simple all the right, title, and interest of the state in and to the~~
28 ~~following approximately nine hundred (900) acres of real estate located in the town;~~

29 ~~-(1) The Indian Cedar Swamp management area;~~

30 ~~-(2) Indian Burial Hill; and~~

31 ~~-(3) The state land around Deep Pond.~~

32 ~~-(b) Provided, however, that the state shall retain control of and public access shall be~~
33 ~~guaranteed to an adequate fishing area within the state land around Deep Pond, and provided,~~
34 ~~further, that the governor is only authorized, empowered, and directed to transfer, assign, and~~

1 ~~convey to the corporation the real estate which is located around Deep Pond upon the governor's~~
2 ~~making a finding that the required and appropriate federal approval of the transfer has been~~
3 ~~obtained so that the transfer will not affect, in any adverse manner, any benefits received by the~~
4 ~~state under the Pittman Robertson Act, 16 U.S.C. section 669 et seq. and the Dingell Johnson Act,~~
5 ~~16 U.S.C. section 777 et seq.~~

6 ~~(c) Upon the same findings and determinations outlined above, the governor is~~
7 ~~authorized, empowered, and directed to transfer, assign, and convey to the corporation and its~~
8 ~~assigns a mutually acceptable exclusive (except as to lateral crossing) right and easement to pass~~
9 ~~by foot and vehicle over a forty five foot (45') wide strip of state land located within the town~~
10 ~~between Kings Factory Road and Watchaug Pond, and to use an area at the end of the strip~~
11 ~~sufficiently large for the parking of automobiles and the launching of boats.~~

12 ~~(d) The authority herein granted to the governor shall be in addition to any other~~
13 ~~authority conferred upon him or her by law. The real estate conveyed by the state to the~~
14 ~~corporation pursuant to the provisions of this section shall be held in perpetuity for conservation~~
15 ~~purposes and shall not be improved or developed by the corporation.~~

16 ~~**37-18-8. Hunting, fishing, and trapping.** --- The corporation shall have the right to make~~
17 ~~rules and regulations regarding fish and game conservation on real estate held by the corporation;~~
18 ~~provided, however, that the corporation shall not issue those rules and regulations until it has~~
19 ~~consulted with the director of environmental management, and further provided that the~~
20 ~~corporation shall impose minimum standards for safety of persons and protection of wildlife and~~
21 ~~fish stock.~~

22 ~~**37-18-9. Exemption from taxation --- Payments in lieu of taxes.** --- (a) The corporation~~
23 ~~shall not be required to pay any taxes or assessments upon or in respect to any property of the~~
24 ~~corporation levied by the town.~~

25 ~~(b) The corporation shall make payments in lieu of real property taxes and assessments~~
26 ~~to the town with respect to income producing projects of the corporation located in the town, and~~
27 ~~for police, fire, sanitation, health protection, and municipal services provided by the town to the~~
28 ~~real estate held by the corporation in the town. The payments in lieu of taxes shall be in such~~
29 ~~amounts as shall be agreed upon by the corporation and the town.~~

30 ~~**37-18-10. Land use plan.** --- (a) All real property owned and held by the corporation shall~~
31 ~~be subject to a land use plan prepared by the office of state planning within the department of~~
32 ~~administration. No less than seventy five percent (75%) of the land owned by the corporation,~~
33 ~~exclusive of the real property described in section 37-18-7, shall not be improved and developed~~
34 ~~and shall be held in perpetuity for conservation purposes, and the real property to be held in~~

1 ~~perpetuity for conservation purposes shall be delineated in the land use plan. The land use plan~~
2 ~~shall be mutually acceptable to the corporation and the town. Acceptance by the town of the plan~~
3 ~~shall not be unreasonably withheld. Upon acceptance of the plan by the town, the town shall~~
4 ~~amend its zoning ordinance adopted pursuant to chapter 24 of title 45 so as to conform to the~~
5 ~~plan. The zoning ordinance as amended shall govern the land use of real property owned by the~~
6 ~~corporation and the ordinance shall not be further amended in a manner inconsistent with the plan~~
7 ~~without the consent of the corporation; provided, however, that the ordinance shall not be~~
8 ~~amended in any manner affecting the land designated in the land use plan for conservation~~
9 ~~purposes.~~

10 ~~(b) The corporation shall not be entitled to use any portion of the real property to be~~
11 ~~owned and held by the corporation until such time as the land use plan is adopted by the~~
12 ~~corporation and accepted by the town.~~

13 ~~**37-18-11. Civil and criminal jurisdiction.** --- Except as otherwise provided, the~~
14 ~~corporation and all its authorized activities shall be subject to all the criminal and civil laws of the~~
15 ~~state and the town.~~

16 ~~**37-18-12. Expiration of the corporation.** --- Upon presentation of evidence to the~~
17 ~~Narragansett Indian land management corporation and the Rhode Island secretary of state that the~~
18 ~~Indian corporation known as the Narragansett Tribe of Indians has applied for and been granted~~
19 ~~by the United States government pursuant to 25 U.S.C. section 1707 and 25 Code of Federal~~
20 ~~Regulations, Part 83, federal recognition as an Indian tribe with inherent rights, powers, and~~
21 ~~responsibilities possessed by Indian tribes in the United States, the Narragansett Indian land~~
22 ~~management corporation shall expire thirty (30) days after the presentation of the evidence. Prior~~
23 ~~to its expiration, the corporation shall prepare and submit to the general assembly a final report of~~
24 ~~its termination activities.~~

25 ~~**37-18-13. Transfer of land to Indian tribe.** --- Upon the presentation of federal~~
26 ~~recognition to the Narragansett Indian land management corporation and the secretary of state,~~
27 ~~the Narragansett Indian land management corporation shall forthwith transfer and convey to the~~
28 ~~federally recognized Narragansett Tribe of Indians all powers, authority, rights, privileges, titles,~~
29 ~~and interest it may possess to any and all real property acquired, owned, and held for the benefit~~
30 ~~of those individuals of Indian ancestry set forth in the list established pursuant to P.L. 1880 ch.~~
31 ~~800, section 4, and thereafter, the Narragansett Indian land management corporation shall have no~~
32 ~~further interest in the real property. All real property transferred by the Narragansett Indian land~~
33 ~~management corporation to the federally recognized Narragansett Tribe of Indians pursuant to~~
34 ~~this provision:~~

1 ~~-(a) Shall be subject to the same conditions, restrictions, limitations, or responsibilities set~~
2 ~~forth in sections 37-18-6(m)(2) and (m)(3), 37-18-8, 37-18-9, 37-18-10, and 37-18-11 hereof as~~
3 ~~are applicable to the corporation and all its authorized activities.~~

4 ~~-(b) Shall be subject to the civil and criminal laws of the state of Rhode Island and the~~
5 ~~town of Charlestown, Rhode Island, except as otherwise provided herein.~~

6 ~~**37-18-14. Transfer of state land to the Indian tribes.** --- (a) Upon presentation of~~
7 ~~federal recognition to the Narragansett Indian land management corporation and the secretary of~~
8 ~~state, the governor is authorized, empowered, and directed to transfer, assign, and convey to the~~
9 ~~Narragansett Tribe of Indians in fee simple all the right, title, and interest of the state in and to the~~
10 ~~following approximately nine hundred (900) acres of real estate located in the town;~~

11 ~~-(1) The Indian Cedar Swamp management area;~~

12 ~~-(2) Indian Burial Hill; and~~

13 ~~-(3) The state land around Deep Pond.~~

14 ~~-(b) Provided, however, that the state shall retain control of and public access shall be~~
15 ~~guaranteed to an adequate fishing area within the said state land around Deep Pond, and provided,~~
16 ~~further, that the governor is only authorized, empowered, and directed to transfer, assign, and~~
17 ~~convey to the Narragansett Tribe of Indians the real estate which is located around Deep Pond~~
18 ~~upon the governor's making a finding that the required and appropriate federal approval of the~~
19 ~~transfer has been obtained so that the transfer will not affect, in any adverse manner, any benefits~~
20 ~~received by the state under the Pittman Robertson Act, 16 U.S.C. section 669 et seq. and the~~
21 ~~Dingell Johnson Act, 16 U.S.C. section 777 et seq.~~

22 ~~-(c) Upon the same findings and determinations outlined above, the governor is~~
23 ~~authorized, empowered, and directed to transfer, assign, and convey to the Narragansett Tribe of~~
24 ~~Indians and its assigns a mutually acceptable exclusive (except as to lateral crossing) right and~~
25 ~~easement to pass by foot and vehicle over a forty five foot (45') wide strip of state land located~~
26 ~~within the town between Kings Factory Road and Watchaug Pond, and to use an area at the end~~
27 ~~of the strip sufficiently large for the parking of automobiles and the launching of boats.~~

28 ~~-(d) The authority herein granted to the governor shall be in addition to any other~~
29 ~~authority conferred upon him or her by law. The real estate conveyed by the state to the~~
30 ~~Narragansett Tribe of Indians pursuant to the provisions of this section shall be subject to the civil~~
31 ~~and criminal laws of the state of Rhode Island and the town of Charlestown, Rhode Island, except~~
32 ~~as otherwise provided herein, and shall be held in perpetuity for conservation purposes and shall~~
33 ~~not be improved or developed by the Narragansett Tribe of Indians.~~

34 ~~**37-18-15. Severability.** --- If any clause, sentence, paragraph, section, or part of this~~

1 ~~chapter shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall~~
2 ~~not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the~~
3 ~~clause, sentence, paragraph, section, or part directly involved in the controversy in which the~~
4 ~~judgment shall have been rendered.~~

5 SECTION 7. Chapter 46-5.1 of the General Laws entitled "Commission on the Port of
6 Galilee" is hereby repealed in its entirety.

7 CHAPTER 46-5.1

8 Commission on the Port of Galilee

9 ~~**46-5.1-1. Permanent committee--Composition.** -- There is hereby created a permanent~~
10 ~~legislative commission on the Port of Galilee.~~

11 ~~**46-5.1-2. Composition.** -- The commission shall consist of fifteen (15) members: three~~
12 ~~(3) of whom shall be from the house of representatives, not more than two (2) from the same~~
13 ~~political party to be appointed by the speaker; three (3) of whom shall be from the senate, not~~
14 ~~more than two (2) from the same political party, to be appointed by the president of the senate;~~
15 ~~one of whom shall be the director of the Department of Environmental Management, or his or her~~
16 ~~designee, one of whom shall be the director of the Department of Transportation, or his or her~~
17 ~~designee; one of whom shall be the director of the Department of Economic Development, or his~~
18 ~~or her designee; and six (6) of whom shall be members of the general public, of whom two (2)~~
19 ~~shall be appointed by the speaker, two (2) by the president of the senate and two (2) by the~~
20 ~~governor.~~

21 ~~**46-5.1-3. Purpose.** -- The purpose of the commission shall be to promote the economic~~
22 ~~revitalization and development of the Port of Galilee.~~

23 ~~**46-5.1-4. Compensation.** -- The members of the commission shall receive no~~
24 ~~compensation for their services.~~

25 ~~**46-5.1-5. Appointments -- Vacancies.** -- The members of the commission shall be~~
26 ~~appointed forthwith. In lieu of any appointment of a member of the legislature to the commission,~~
27 ~~the appointing authority may appoint a member of the general public to serve in lieu of a~~
28 ~~legislator, provided that the president of the senate, if applicable, or the majority leader or the~~
29 ~~minority leader of the political party which is entitled to the appointment consents to the~~
30 ~~appointment of the member of the general public. Vacancies in said commission shall be filled in~~
31 ~~like manner as the original appointment.~~

32 ~~**46-5.1-6. Organization.** -- The members of the commission shall meet no later than~~
33 ~~October 15, 1996 and shall elect a chairperson from among the legislators.~~

34 ~~**46-5.1-7. Cooperation -- Quarters.** -- All departments and agencies of the state shall~~

1 ~~furnish such advice and information, documentary and otherwise, to said commission and its~~
2 ~~agents as is deemed necessary or desirable by the commission to facilitate the purposes of this~~
3 ~~resolution. The speaker of the house is hereby authorized and directed to provide suitable quarters~~
4 ~~for said commission.~~

5 ~~**46-5.1-8. Reports.**— The commission shall issue a report no later than February 15, 1997~~
6 ~~and annually thereafter.~~

7 SECTION 8. Sections 42-8.2-4, 42-8.2-6 and 42-8.2-9 of the General Laws in Chapter
8 42-8.2 entitled "State Register" are hereby amended to read as follows:

9 ~~**42-8.2-4. State register, printing, contents, distribution.** -- Documents required or~~
10 ~~authorized to be published by section 42-8.2-5 hereof shall be printed and distributed immediately~~
11 ~~by the office in a serial publication designated the "state register". The contents of the daily issues~~
12 ~~shall be indexed and shall comprise all documents, required or authorized to be published, filed~~
13 ~~with the office of the secretary of state up to the time of the day immediately preceding the day of~~
14 ~~distribution fixed by regulation established by said office. Distribution shall be made by delivery~~
15 ~~or by deposit at a post office box at a time in the morning of the day of distribution fixed by~~
16 ~~regulations prescribed by the secretary of state. The prices to be charged for the state register may~~
17 ~~be fixed by the ~~administrative committee of the state register established pursuant to section 42-~~~~
18 ~~~~8.2-6 of this chapter~~ secretary of state.~~

19 ~~**42-8.2-6. Administrative committee of the state register, establishment, composition,**~~
20 ~~**powers, and duties. Regulations to be promulgated.** -- ~~The administrative committee of the~~~~
21 ~~~~state register shall consist of the secretary of state, who shall be chairperson, the director of~~~~
22 ~~~~administration or his or her designee, the state controller or his or her designee, a member of the~~~~
23 ~~~~house of representatives or a member of the general public to be appointed by the speaker of the~~~~
24 ~~~~house, and a member of the senate or member of the general public to be appointed by the~~~~
25 ~~~~president of the senate. Every person designated by the speaker of the house of representatives~~~~
26 ~~~~and by the president of the senate shall be appointed for a term of three (3) years. The committee~~~~
27 ~~~~shall prescribe, with the approval of the governor,~~ The secretary of state shall prescribe~~

28 regulations for carrying out this chapter. The regulations shall provide, among other things:

- 29 (1) The manner of certification of copies required to be certified under section 42-8.2-3;
30 (2) The documents which shall be authorized under section 42-8.2-5 to be published in
31 the state register;
32 (3) The manner and form in which the state register shall be printed, reprinted, compiled,
33 indexed, bound and distributed;
34 (4) The number of copies of the state register which shall be printed, reprinted and

1 compiled, the number which shall be distributed without charge to members of the state
2 legislature, officers and employees of the state of Rhode Island or any state agency, for official
3 use, and the number which shall be available for distribution to the public;

4 (5) The price to be charged for individual copies of and subscriptions to the state register
5 and reprints and bound volumes of it; and

6 (6) The ~~administrative committee~~ secretary of state shall allocate expenses for each
7 agency, board, commission or department.

8 **42-8.2-9. Code of state regulations.** -- (a) The ~~administrative committee of the state~~
9 ~~register, with the approval of the governor,~~ secretary of state may require, from time to time as ~~it~~
10 he or she considers necessary, the preparation and publication in special or supplemental editions
11 of the state register of the complete codifications of the documents of each agency of state
12 government having general applicability and legal effect, issued or promulgated by the agency by
13 publication in the state register or by filing with the secretary of state, and which rules and
14 regulations are relied upon by the agency as authority for, or are invoked or used by it in the
15 discharge of, its activities or functions, and are in effect as to facts arising on or after dates
16 specified by the ~~administrative committee~~ secretary of state.

17 (b) A codification published under subsection (a) shall be printed and bound in
18 permanent form and shall be designated as the "Code of State Regulations". The ~~administrative~~
19 ~~committee~~ secretary of state shall regulate the binding of the printed codifications into separate
20 books with a view to practical usefulness and economical manufacture. Each book shall contain
21 an explanation of its coverage and other aids to users that the administrative committee may
22 require. A general index to the entire code of state regulations shall be separately printed and
23 bound.

24 (c) The ~~administrative committee~~ secretary of state shall regulate the supplementation
25 and the collation and republication of the printed codifications with a view to keeping the code of
26 state regulations as current as practicable. Each book shall be either supplemented or collated and
27 republished at least once each calendar year.

28 (d) The office of the state register shall prepare and publish the codifications,
29 supplements, collations and indexes authorized by this section.

30 (e) The codified documents of the several agencies published in the supplemental
31 addition of the state register under this section, as amended by documents subsequently filed with
32 the office of secretary of state and published in the daily issues of the state register, shall be prima
33 facie evidence of the text of the documents and of the fact that they are in effect on and after the
34 date of publication.

1 (f) The ~~administrative committee~~ secretary of state shall prescribe, ~~with the approval of~~
2 ~~the governor~~, regulations for carrying out this section and the fee to be charged to state agencies,
3 boards, commissions, departments, subscribers, and the general public and all independent
4 agencies, boards, commissions, and departments not subject to the control of the state controller.

5 SECTION 9. Chapter 42-97 of the General Laws entitled "Rhode Island Artifacts,
6 Artworks and Exhibition Objects" is hereby repealed in its entirety.

7 ~~CHAPTER 42-97~~

8 ~~Rhode Island Artifacts, Artworks and Exhibition Objects~~

9 ~~**42-97-1. Purpose.** -- (a) The general assembly finds that since its founding three hundred~~
10 ~~fifty (350) years ago in 1636, Rhode Island has produced an uncommon number of men and~~
11 ~~women of aesthetic and mechanical genius whose products of art, invention, and craftsmanship~~
12 ~~have won for our state a distinctive place in American history. Believing that examples of these~~
13 ~~accomplishments serve to raise the spirits of our populace, document Rhode Island's contributions~~
14 ~~to our national traditions, and stimulate emulation by coming generations, it would serve the~~
15 ~~public interest if examples of these cultural accomplishments were accessible to the people of~~
16 ~~Rhode Island in the form of exhibition.~~

17 ~~(b) Rhode Islanders have been extremely generous in giving art and science objects to~~
18 ~~public and private institutions over the course of two (2) centuries. Yet much of historical and~~
19 ~~aesthetic importance has left the state to go into out of state museums or private collections. Still~~
20 ~~more important materials reside in the possession of private owners in our state. From time to~~
21 ~~time key artifactual documents and treasures appear for sale and leave the state because the~~
22 ~~financial resources of public and private institutions are insufficient to prevent it.~~

23 ~~(c) Therefore the general assembly finds:~~

24 ~~(1) That favorable state tax incentives be extended to owners of objects of significance to~~
25 ~~Rhode Island when they lend these items for public viewing; and~~

26 ~~(2) That a contingency fund be created for the acquisition of artifacts significant to~~
27 ~~Rhode Island to prevent their loss to the people of the state.~~

28 ~~**42-97-2. Board of curators.** -- There is established a five (5) member board of curators,~~
29 ~~three (3) of whom shall be appointed by the governor (executive appointments), one of whom~~
30 ~~shall be the chairperson of the house finance committee, or the chairperson's designee and one of~~
31 ~~whom shall be chairperson of the senate finance committee, or the chairperson's designee. The~~
32 ~~executive appointees shall be selected from the administrators of museums in Rhode Island or the~~
33 ~~administrators of historical societies in Rhode Island. One executive appointee shall be a~~
34 ~~professional in art, one in history, and one in science. The tax administrator shall serve as an~~

1 ~~advisor to the board. Members of the board shall not be compensated.~~

2 ~~**42-97-3. Term of members.** --- The governor shall appoint one member for three (3)~~
3 ~~years, one member for two (2) years, and one member for one year. In 1986, terms shall~~
4 ~~commence on the date of appointment and expire on the thirty first day of January thereafter~~
5 ~~corresponding with the number of year(s) of the term to which appointed. Thereafter,~~
6 ~~appointments shall be made for three (3) years commencing on the 1st day of February in the year~~
7 ~~of appointment and ending on the thirty first day of January in the third year thereafter. A~~
8 ~~member shall serve until the member's successor is appointed. A vacancy shall be filled by~~
9 ~~appointment of the governor for the remainder of the unexpired term.~~

10 ~~**42-97-4. Board --- Duties --- Definition.** --- (a) For the purposes of this section, "art"~~
11 ~~means a piece of fine art, or decorative arts, a work of craftsmanship, or an object of historical~~
12 ~~value which directly documented a major aesthetic tradition in Rhode Island's history or was~~
13 ~~associated with a major historical figure, event, custom, or activity purchased on or after July 1,~~
14 ~~1986.~~

15 ~~(b) It is the duty of the board:~~

16 ~~(i) To determine gaps in the composite story of Rhode Island and promulgate a list of art~~
17 ~~to be sought;~~

18 ~~(ii) To suggest an appropriate location for the exhibition of art;~~

19 ~~(iii) To certify that the art meets the stated definition of art;~~

20 ~~(iv) To certify that the purchase price of the art was the fair market value price;~~

21 ~~(v) To enter into agreement for the exhibition to the public of art in accordance with~~
22 ~~section 42-97-6;~~

23 ~~(vi) To accept application for tax credit;~~

24 ~~(vii) To certify the tax credit pursuant to section 44-30-24; and~~

25 ~~(viii) To advise the general treasurer on disbursements from the fund created in section~~
26 ~~42-97-8.~~

27 ~~**42-97-5. Tax credit.** --- A tax credit, in accordance with section 44-30-24, shall be given~~
28 ~~to any individual who enters into an agreement with the board for the exhibition to the public of~~
29 ~~art.~~

30 ~~**42-97-6. Agreement.** --- An agreement entered into pursuant to section 42-97-5 shall~~
31 ~~contain, as a minimum, the following requirements:~~

32 ~~(1) The art shall be exhibited to the public for a minimum of five (5) years from the date~~
33 ~~of the agreement.~~

34 ~~(2) The state, for a period of ten (10) years from the date of the agreement, shall have the~~

1 ~~first right to purchase the art, should it be placed on sale, at the then prevailing fair market value.~~

2 ~~-(3) During the period of time(s) set forth in subdivisions (a) and (b), the art shall not be~~
3 ~~pledged, used as security or collateral, or in any other manner be encumbered. The state shall be~~
4 ~~deemed to be the first creditor as regards the art.~~

5 ~~-(4) Any and all agreements shall be binding on the heirs, representatives, legatees,~~
6 ~~devisees, donees, and any successor in interest to the applicant.~~

7 ~~**42-97-7. Rules and regulations.** -- The board, in conjunction with the tax administrator~~
8 ~~and general treasurer, shall promulgate rules and regulations to implement this chapter.~~

9 ~~**42-97-8. Rhode Island artifacts, artworks and exhibition objects fund.** -- (a) There is~~
10 ~~created the Rhode Island artifacts, artworks, and exhibition fund, hereinafter referred to as the~~
11 ~~fund. The financial administration of the fund shall be under the general treasurer, who shall~~
12 ~~invest and reinvest the fund in accordance with section 35-10-2. Disbursement of funds from the~~
13 ~~fund shall be made by the general treasurer upon receipt by the treasurer or properly authenticated~~
14 ~~vouchers from the board of curators.~~

15 ~~-(b) The fund shall consist of all revenues received pursuant to state appropriation and~~
16 ~~gifts, grants, and donations from public and private sources. All revenues credited to the fund~~
17 ~~shall not be subject to expenditure except for the purposes hereinafter stated.~~

18 ~~-(c) The fund shall be used to purchase art in accordance with this chapter.~~

19 ~~-(d) The fund shall not incur a deficit.~~

20 SECTION 10. Sections 31-10-34, 31-10-34.1, 31-10-34.2, 31-10-34.3 and 31-10-34.4 of
21 the General Laws in Chapter 31-10 entitled "Operators' and Chauffeurs' Licenses" are hereby
22 repealed.

23 ~~**31-10-34. Drivers' training school licensing board.** -- There shall be established a~~
24 ~~board of licensing examiners of drivers' training schools consisting of five (5) members: one of~~
25 ~~whom shall be from the house of representatives to be appointed by the speaker; one of whom~~
26 ~~shall be from the senate to be appointed by the president of the senate; two (2) of whom shall be~~
27 ~~operators of licensed driving schools appointed by the governor; and one of whom shall be the~~
28 ~~administrator of the division of motor vehicles or his or her designee; all of whom shall serve~~
29 ~~without compensation for a two (2) year term beginning September 1, 1976, and who shall~~
30 ~~continue to serve until their successors are appointed and qualified. Vacancies shall be filled in~~
31 ~~the same manner as original board positions.~~

32 ~~**31-10-34.1. Powers and duties of board.** -- The board of licensing examiners of drivers'~~
33 ~~training schools established by section 31-10-34 shall exercise all of the provisions of the general~~
34 ~~laws previously carried out by the administrator of the division of motor vehicles pursuant to this~~

~~chapter and/or any rules or regulations under the general laws with relation to the regulation of drivers' training schools and instructors.~~

~~**31-10-34.2. Minimum requirements for schools.** --- Each new applicant for a drivers' training school license shall have worked a minimum of two hundred fifty (250) hours as a licensed instructor prior to applying to the board for a license to operate a drivers' training school. However, anyone who has taught or is presently teaching driver education classes shall have the time spent teaching those classes credited toward this two hundred fifty (250) hour requirement.~~

~~**31-10-34.3. Appointment of executive secretary.** --- The board of licensing examiners of drivers' training schools shall appoint an executive secretary who shall be in the classified service.~~

~~**31-10-34.4. Facilities for board.** --- The director of administration shall provide suitable office space for the board and its personnel to suit the public convenience and to facilitate the work of the board.~~

SECTION 11. Chapter 31-10 of the General Laws entitled "Operators' and Chauffeurs' Licenses" is hereby amended by adding thereto the following section:

31-10-34.5. Transfer of functions to administrator of division of motor vehicles. -- Upon the effective date of this act, all functions, services performed, responsibilities and duties formerly of the drivers' training school licensing board are hereby transferred to the administrator of the division of motor vehicles.

SECTION 12. Section 11-47-35 of the General Laws in Chapter 11-47 entitled "Weapons" is hereby amended to read as follows:

11-47-35. Sale of concealable weapons -- Safety courses and tests -- Review board -- Issuance of permits to certain government officers. -- (a) (1) No person shall deliver a pistol or revolver to a purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the purchase, and when delivered, the pistol or revolver shall be unloaded and securely wrapped, with the bill of sale to be enclosed within the wrapper with the pistol or revolver. Any citizen of the United States and/or lawful resident of this state who is twenty-one (21) years of age or older, and any nonresident member of the armed forces of the United States who is stationed in this state and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm, the purchaser shall: (i) complete and sign in triplicate and deliver to the person selling the pistol or revolver the application form described in this section, and in no case shall it contain the serial number of the pistol or revolver; and (ii) shall present to the person selling the pistol or revolver a pistol/revolver safety certificate issued by the department of environmental management. The certificate shall be retained in the possession of

1 the buyer. The pistol/revolver safety certificate shall certify that the purchaser has completed a
2 basic pistol/revolver safety course as shall be administered by the department of environmental
3 management.

4 (Face of application form)

5 Application to Purchase Pistol or Revolver

6 Date

7 Hour A.M. P.M.

8 Name

9 Address

10 (Street and number) (City or town) (State)

11 Date of Birth

12 Place of Birth

13 Height

14 Weight

15 Color hair

16 Color eyes

17 Scars

18 Tattoos

19 Other identifying marks

20 Are you a citizen of the United States

21 Are you a citizen of Rhode Island

22 How long

23 Where stationed

24 (Armed Forces only)

25 Have you ever been convicted of a crime of violence

26 (See section 11-47-2)

27 Have you ever been adjudicated or under confinement as addicted to a controlled
28 substance

29 Have you ever been adjudicated or under confinement for alcoholism

30 Have you ever been confined or treated for mental illness

31 From whom is pistol or revolver being purchased

32 Seller's address

33 Seller's signature

34 Applicant's signature

1 (See section 11-47-23 for penalty for false information on this application)

2 (Reverse side of application form)

3 AFFIDAVIT:

4 I certify that I have read and am familiar with the provisions of sections 11-47-1 - 11-47-
5 55, inclusive, of the general laws of the State of Rhode Island and Providence Plantations, and
6 that I am aware of the penalties for violation of the provisions of the cited sections. I further
7 certify that I have completed the required basic pistol/revolver safety course.

8 Signed

9 (over)

10 County of State of Rhode Island

11 Subscribed and sworn before me this.... day of.... A.D. 20..

12 Notary Public

13 (2) The person selling the pistol or revolver shall on the date of application sign and
14 forward by registered mail or by delivery in person the original and duplicate copies of the
15 application to the superintendent of the Rhode Island state police or the chief of police in the city
16 or town in which the person has his or her residence or place of business. The superintendent of
17 the Rhode Island state police or the chief of police in the city or town in which the person has his
18 or her residence or place of business shall mark or stamp the original copy of the application form
19 with the date and the time of receipt and return it by the most expeditious means to the person
20 who is selling the pistol or revolver. The triplicate copy duly signed by the person who is selling
21 the pistol or revolver shall within seven (7) days be sent by him or her by registered mail to the
22 attorney general. The person who is selling the pistol or revolver shall retain the original copy
23 duly receipted by the police authority to whom sent or delivered for a period of six (6) years with
24 other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of
25 the application form is sent or delivered to make a background check of the applicant to ascertain
26 whether he or she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If,
27 after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following
28 application, no disqualifying information has been received from the investigating police
29 authority by the person who is selling the pistol or revolver, he or she will deliver the firearm
30 applied for to the applicant. Upon the finding of no disqualifying information under the
31 provisions of the above cited sections of this chapter, and in no case later than thirty (30) days
32 after the date of application, the duplicate and triplicate copies of the application will be
33 destroyed. Retention of the duplicate and triplicate copies in violation of this section or any
34 unauthorized use of the information contained in the copies by a person or agency shall be

1 punishable by a fine of not more than one thousand dollars (\$1,000). The provisions of this
2 section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to
3 purchases by retail dealers duly licensed under the provisions of section 11-47-39.

4 (b) (1) The department of environmental management shall establish the basic
5 pistol/revolver safety course required by this section. The safety course shall consist of not less
6 than two (2) hours of instruction in the safe use and handling of pistols and revolvers and the
7 course shall be available to buyers continually throughout the year at convenient times and places
8 but at least monthly at locations throughout the state, or more frequently as required. Proficiency
9 in the use of pistols or revolvers shall not be prerequisite to the issuance of the safety certificate.
10 No person shall be required to complete the course more than once; provided, that any person
11 completing the course who is unable to produce the safety certificate issued by the department of
12 environmental management shall be required to take the course again unless the person provides
13 evidence to the department that he or she has successfully completed the course.

14 (2) The administration of the basic pistol/revolver safety course required by this section
15 shall not exceed the cost of thirty-five thousand dollars (\$35,000) in any fiscal year.

16 (c) Proof of passage of the department of environmental management's basic hunter
17 safety course will be equivalent to the pistol/revolver safety certificate mandated by this section.

18 (d) Any person who has reason to believe that he or she does not need the required
19 handgun safety course may apply by any written means to the department of environmental
20 management to take an objective test on the subject of matter of the handgun safety course. The
21 test shall be prepared, as well as an instruction manual upon which the test shall be based, by the
22 department. The manual shall be made available by any means to the applicant who may, within
23 the time limits for application, take the objective test at the department or at any location where
24 the handgun safety course is being given. Any person receiving a passing grade on the test shall
25 be issued a pistol/revolver safety certificate by the department.

26 ~~(e) (1) There is established within the department of environmental management a review~~
27 ~~board which shall consist of five (5) members as follows: one member from the Rhode Island~~
28 ~~house of representatives to be appointed by the speaker, one member from the Rhode Island~~
29 ~~senate to be appointed by the president of the senate, two (2) members who are residents of the~~
30 ~~state representing the public, to be appointed by the governor, one of whom shall be from the~~
31 ~~Rhode Island Rifle and Revolver Association, and the director of the department of~~
32 ~~environmental management or his or her designee. The legislative members of the review board~~
33 ~~shall serve so long as they shall remain members of the house from which they were appointed~~
34 ~~and until their successors are duly appointed and qualified. The board members representing the~~

1 ~~public shall serve at the pleasure of the governor. Vacancies shall be filled in like manner as the~~
2 ~~original appointments.~~

3 ~~(2) It shall be the duty of the review board to monitor and evaluate the development of~~
4 ~~the basic pistol/revolver safety course required by this section, to ensure compliance with the~~
5 ~~provisions of subsection (b) of this section, and to periodically make or recommend any changes~~
6 ~~in the safety course that the review board deems advisable, not inconsistent with the provisions of~~
7 ~~this section. It shall further be the duty of the review board to decide all appeals from any~~
8 ~~decisions of the department of environmental management rendered pursuant to its~~
9 ~~responsibilities as set forth in subsection (b) of this section.~~

10 ~~(3) There shall be no civil liability incurred and no cause of action of any nature shall~~
11 ~~arise against any member of the review board or its agents, servants, or employees as a result of~~
12 ~~any decisions made by the board or for any action taken by the board or its members, agents,~~
13 ~~servants, or employees.~~

14 (f) The following persons shall be issued basic pistol/revolver permits by the department
15 of environmental management: sheriffs, deputy sheriffs, the superintendent and members of the
16 state police, prison or jail wardens or their deputies, members of the city or town police force,
17 members of the park police, conservation officers, and officers of the United States government
18 authorized by law to carry a concealed firearm and, at the discretion of the department of
19 environmental management, any person who can satisfactorily establish that he or she formerly
20 held one of these offices or were so authorized.

21 (g) Any person who is serving in the Army, Navy, Air Force, Marine Corps or Coast
22 Guard on active duty shall not be required to obtain a basic pistol/revolver safety certificate or
23 basic pistol/revolver permit under this section so long as he or she remains on active duty.

24 (h) Any person who is serving in the active reserve components of the Army, Navy, Air
25 Force, Marine Corps or Coast Guard, or any person in an active duty paid status in the Rhode
26 Island National Guard, shall not be required to obtain a basic pistol/revolver safety certificate
27 under this section so long as he or she remains in active status.

28 SECTION 13. Severability. If any provision of this act or the application thereof to any
29 person or circumstances is held invalid, such invalidity shall not affect other provisions or
30 applications of the act, which can be given effect without the invalid provision or application, and
31 to this end the provisions of this act are declared to be severable.

32 SECTION 14. This act shall take effect upon passage.

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LC02439
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO SEPARATION OF POWERS

1 This act would abolish several boards and commissions whose functions are either no
2 longer necessary to state government and/or whose functions have been taken over by another
3 commission, board, or entity.

4 This act would take effect upon passage.

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LC02439
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